20c MARCH 23, 1953

EUROPE AFTER STALIN

New Republic

THE PRESS PROTECTS THE GOP

The Kansas Big Money Deal of GOP Chairman Roberts, Buried by the Newspapers

SEASON FOR PLUNDER

First in a Series Exposing Plans of Private Profiteers To Grab Public Treasures

Reviews of

HOLMES-LASKI LETTERS by Francis Biddle

W. R. Rodgers' POEMS by Stephen Spender

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Johnson City, Tennessee
MAR 23 1953

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Letters

Volunteers for Stevenson

● In his letter appearing in the March 2 *New Republic*, Charles L. Allen makes several remarks concerning the Volunteers for Stevenson which I would like to dispute.

Mr. Allen states that "we must unite the Volunteer groups with the Democratic Party" and criticizes the "egg heads" for remaining apart. Further, he draws conclusions from his own view that he applies to the nation as a whole. He states that the Volunteers were amateurish, increased expenses by maintaining separate headquarters and activities and were ineffectual because they were college people who reached "mostly their friends."

I would like to relate how and why a few of us became Volunteers. Because the local Republicans were trying to foist an inept nonentity upon the voters of our district as candidate to the House of Representatives, my wife and I went to the local Democratic headquarters to find out what was being done to support the incumbent, a liberal Democrat. After being greeted by the traditional smoke-filled room and deck of cards, we were given some inside dope on local patronage and the impression—proven correct—that nothing would be done for either the local candidates or for Stevenson. Phone calls to various campaign managers and party representatives proved equally futile. We offered our help but were turned away. We were entirely discouraged and could not work with these Democrats because they were not working for themselves. The Democrats sponsored one useless torchlight parade on election eve, while the Republicans spent every spare moment working furiously in behalf of their candidate—in being heard, read, seen and felt.

When we turned to the Volunteers, the tone and atmosphere were so different that we wondered if they were working for the same candidate. All the Volunteers that I met had been disgusted with the apathy and indifference of Democrats all over the city.

As members, we set up our own headquarters, without any extra rent, in our apartment (some groups obtained free space in vacant stores) and gathered together all whom we knew that agreed with us and who were willing to work.

And work we did. Some of us were college students, many were former college students, many would never see the inside of a college. Some were amateurs but others had experience in theory and practice. We rang doorbells every night and none of the bells were labeled "College Student"; we handed out reams of literature and hundreds of buttons—which had not appeared on lapels until we put them there—and we were willing to persuade and discuss when time allowed and the literature was not sufficient. Volunteers sound trucks circulated while the local party men played cards; and tables were set up on street corners piled with literature that was not wasted and with buttons that were hungrily pinned onto coats and dresses.

There are other reasons for our not joining up with the regular Democrats. Many of us were truly political independents, who wanted no affiliation with either party; others were Republicans who were disillusioned by Ike and inspired by Stevenson but who could never work with the Democrats and have a clear conscience.

I think the problem is a bigger one than unity at any cost; there must be something to unite with. Reforming many segments of the Democratic Party, as Stevenson plans to do, cannot be accomplished overnight—and it certainly could not have been done during the election campaign. When the party at all levels is one that will attract more than the self-seeking patronage-grabbers who care nothing about candidates and platforms and who are not willing to do anything to bring about victory or to enlighten the public, then you will find people flocking to its banner as in the past. Until this is done, you can expect independent groups to continue to act independently.

Astoria, N. Y. GEORGE MURRAY

Best For the Country?

● It seems to me that the philosophy which maintains that "what is best for business is best for the country, and vice versa" is a dangerous one to be guiding the policies of our government, in view of the current threat of war. While it is true that we should prevent aggressive expansion of Russian Communism, I am sure that the vast majority of Americans consider war to be a last resort, and a strictly defensive measure.

It has been said that our recent prosperity has been due in part to the industrial expansion which has been inspired by the demands of our extensive military defense program. We might ask the following question: In the event that our prosperity is endangered; in the event that supply outruns demand, and business begins to fall off; in the event that a new war would create new demands thereby aiding business interests, is it true that what might be best for business would be best for the country?

We might follow this question with another: Can the above question be better answered by businessmen alone, or by a cross section of the American public?

In the event of war, the businessman is faced with the prospect of increased profits from war contracts. He is seldom faced with the prospect of serving in the front lines himself. . . .

Middletown, Conn. ED WHITE

The Grassrooters

● In the Jan. 26 issue, you printed a letter from Constance Reid regarding a newly organized group calling itself the "Grassroot Democrats of Berkeley." A later issue of the *New Republic* carries a letter from the chairman of the group, Dr. James Whitney, in which he answers Miss Reid's criticism.

I believe that Miss Reid has misunderstood the objectives of the Grassrooters. One of the original founders of this group conferred with me. She is one of many Democrats from all over California who started calling on Nov. 5, and who,

(Continued on page 4)

Bandwagon

Yeah

Bobo [estranged wife of Winthrop Rockefeller] said her son is getting "a small amount" of support from a $1 million trust fund set up by his father. . . —*Associated Press dispatch published in the New York* Mirror.

When, Oh When

President Eisenhower said today that if the investigations led by Senator McCarthy (R, Wis.), get into fields which might produce damage or misunderstanding, it would be up to the President to try to improve the situation.

But, Eisenhower went on, he will try to avoid a situation in which he might have to express his views.—*From an AP dispatch.*

Double Crossed

State Sen. Fay George Child . . . denied he favors having the University of Minnesota rehire Dr. Joseph Weinberg, physicist acquitted . . . of charges that he lied in stating he never was a member of the Communist Party.

" . . . in an academic discussion, based on the hypothetical possibility of acquittal, I did make the statements quoted. However, I was not cautious in my remarks because I had no idea that the jury would acquit him."—*From the Minneapolis* Morning Tribune.

Our readers are invited to contribute; $2 will be paid for each item used. Address Bandwagon, c/o New Republic. Please enclose the original clipping. – The Editors.

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New Republic

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WASHINGTON WIRE

AT THE END of the semester students at American University, here in Washington, came forward to thank their professor for a stimulating course. One bright student paused, groping for adequate words. Her face brightened as she got just the right approach. She joined her praises to others and then added that if any question of loyalty ever arose before a Congressional committee her dear teacher could count on her to testify in his behalf.

Washington consensus is that Russia's post-Stalin shooting down, first of an American jet and then a British bomber, are not isolated incidents. There is nothing new in this event, of course, except a pattern of greater provocative aggressiveness. This is believed to be deliberate. The new Russian regime probably wants Russians and satellites to feel it is a "strong" government. Also it may divert some of America's latest type, and scarce, jets from Korea to Germany. Make no doubt of it, after this we shall shoot back.

If Moscow wanted war now, however, it would hardly start it in the air. The signal for real trouble, our military people believe, would be massing of Russian ground power. No sign of this has occurred. The European balance of power in 1953 is Soviet ground might versus US atomic bombs. Our generals believe NATO would have about two weeks advance notice if Moscow started to move additional troops into the West European area, troops without which the Russians could not hope to break through.

Eisenhower's nomination of Charles E. Bohlen as the US Ambassador to Moscow is the kind of bipartisan act we had hoped from him and the type of internationalism it will be a pleasure at all times to support. The nomination is opposed by the extreme anti-Acheson GOP wing, to which Joe McCarthy has now added himself. They urge Ike to withdraw the nomination from the Senate. This is a fight from which Ike simply cannot afford to turn tail. The Dulles State Department has bowed abjectly to McCarthy on the Voice of America row; the Administration looks rather silly on the defunct anti-enslavement resolution which was too bipartisan for Senate Republicans to take. So-called Eisenhower "indecisiveness" is causing concern to some of his friends. Any retreat on Bohlen would be pretty much of a disaster.

We were reminded of something the other day as we heard one of Ike's psychological warriors hold forth enthusiastically. Where had we heard this tone before—this airy confidence, this casual dismissal of the past, this bright certainty of knowing the answers? Why, to be sure, these young men from the *Time-Life* stable take us back to the starry-eyed 1933 New Dealers! We haven't heard people talk as dogmatically for 20 years. But these cynical young conservatives seem to us, somehow, far more innocent and gullible than their ancestors. They artlessly seem to think psychological warfare is nothing more than arranging facts like a *Time* news story. The new Luce Trust also talks a good deal about "merchandising": they are out to "merchandise" Moscow right out of business. The fact is that initial psychological warfare attempts have been awful flops, for example the to-do about "liberating" Chiang. These amateur Machiavellis have brought questions of our sincerity abroad. "If deliberate deception is to be one of the means by which President Eisenhower's advisers hope to baffle and frighten the Communist governments," the pro-American London *Economist* observed (March 7) "the press of the world will have to keep its eyes skinned. . . . Editors will pause before discussing seriously a policy decision which may not be genuine."

The question arises whether Ike is not being over-shielded by his Cabinet.

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Sherman Adams calls each member the day before a meeting, and from their suggestions a schedule of topics is prepared. When the Cabinet member takes his seat he finds a list of eight or 10 topics neatly printed before him. This does not exclude additional topics, some of which Ike raises himself. From then on the affair is run like a board meeting. The air is frank and informal, but members are very conscious that Ike is boss. Most observers agree that Ike has a strong Cabinet, the very predominance of businessmen makes them conscious that they are on trial as a class, and they are dedicated to success. Press Secretary James Hagerty has been brought in to brief the Cabinet on how to meet the press. And yet press relations are still a problem. New York *Times*-man Arthur Krock complains that the only avenue to information during the British ministers' visit was through the British. Ike himself has had only three press conferences in his first eight weeks.

The State Department, under McCarthy pressure, is formulating a list of "controversial" books which publishers mustn't send to US Information offices overseas. We predict that this will become an "Un-American Book List" and that librarians over the country will be hounded to remove such volumes.

Notes: The AMA's multi-million dollar propaganda campaign which began in 1948 has finally paid off. The doctors' lobby was honored by a personal visit from President Eisenhower when its House of Delegates met in Washington March 15. The President's strategy, aside from getting free medical advice ("I have got a sore wrist, and the problem is whether I can play golf or not this afternoon"), was to talk the AMA into not opposing his reorganization plan for a Department of Welfare with Cabinet status. He succeeded by offering the AMA a juicy plum—Assistant Secretary of the Department of Welfare who will be "a top staff policy director" on national and international health matters. AMA President Louis Bauer exulted: "This is more power than has ever been offered the medical profession before."

Washington T.R.B.

CORRESPONDENCE

(Continued from page 2)

fortunately, continue to call, and who say in effect: "I am a Democrat. I did not do enough in the last election. *Now* I want to do something!"

As a consequence of this good, constructive spirit among Democrats who are meeting the challenge of defeat with the determination to participate in their party's activities, many new organizations are being formed all over the state. We who are Democratic Party officials are welcoming this interest enthusiastically, and doing all we can to encourage and to assist in forming new groups which will work within the framework of the Democratic Party, and which provide groups for volunteers to join.

At a statewide Democratic conference at Asilomar on Jan. 31 and Feb. 1, which was attended by about 500 Democrats, one of the problems discussed was to find the best technique for integrating all these new groups into a cohesive pattern, and to make the best use of their abilities in strengthening our party organization. These new groups have been in touch with their Democratic county chairmen or congressional vice chairman, and many groups have county committee members on their executive boards. They were well represented at the Asilomar conference. They are supporting the Democratic Party platform and policy, and want to participate in all the objectives which Miss Reid so capably outlined. Many of these newcomers in the field of party politics came because of their belief in Adlai Stevenson, and they agree with him that "Who leads is not so important as what leads."

In fact, I think that Miss Reid and Dr. Whitney are really in agreement on the importance of political responsibility, and I hope to bring them together for a friendly chat in the near future, and then to put them and their groups to work for our party in preparing for the important campaign in 1954!

San Francisco, Calif. CLARA SHIRPSER

Loyalty—To Whom?

● Another "terror" might be added to your February 16 editorial ("Loyalty—the Coming Reign of Terror") describing the new loyalty purge being inflicted upon government employees.

Would your researchers know whether evidence exists which points toward making the projected purge a vehicle for circumventing civil-service protection, which the majority of government employees now enjoy?

Do motives behind the new tests actually represent a search for the announced charges for dismissal, or do they provide a patriotic cloak for measuring the government employee's loyalty to the Republican Party?

The "crusaders" have not well concealed their disappointment upon discovering that not enough government jobs were available for rewarding loyal vote-getters.

Cincinnati, Ohio JIM CARTER

Early Russian Aggression

● In his review of *The Russian Menace to Europe* (*NR*, Feb. 23) by Karl Marx and Friedrich Engels, the reviewer B. B. (Bruce Bliven) says that "Czarist Russia did not try to foment revolution in every other country on earth"—even though otherwise he accepts the general thesis of the book's editors about the close resemblance between Tsarist and Soviet imperialism. The fact is that while the old regime's propaganda department used no internationalist or revolutionary-sounding slogans, Emperor Nicholas I was, during the Crimean War, planning to arouse the revolutionary passions of the Western Slavs against their Austrian and Hungarian rulers and even to ally himself with Mazzini (which, of course, leaves the question open whether the Italian patriot would have accepted such an alliance.)

New York City MAX NOMAD

Pledge Allegiance

● Recently, the Board of Education of the City of New York passed a law requiring all students to pledge allegiance to the flag and sing *America* every day. I am a student at Richmond Hill High School in Queens County, and I should like to express my opinion about the new law.

Like every loyal American I love the United States. I believe the United States is the finest country in the world, but I am frankly disturbed by the pseudopatriotism that is being forced down our necks by the Board of Education. I consider myself to be a loyal and upstanding citizen of America, and I am quite indignant about having to sing *America* and recite the pledge of allegiance to the flag to prove my loyalty to this wonderful country. Everyone in high school is capable of selecting his own theological and political beliefs, and it is not necessary for the American Legion and the Daughters of the American Revolution to force patriotism on me or you.

Jamaica, N. Y. WILLIAM CARPENTER

Great Unitarians

● Are you as proud as your readers will be of your issue of March 9? The names of the two great Unitarians, Adlai Stevenson and A. Powell Davies, are banners held aloft.

Anna Maria, Fla. MRS. HENRY F. JAMES

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New Republic

THE BLOOD AND TREASURE OF US ALL

IN THE CRITICAL years between 1776 and 1781, the ownership and control of our Western lands were in question. Should they be taken over by the new central government for later division into new states, or should they be surrendered for exploitation to a few of the states which claimed them on the basis of provisions in their original charters?

The Union consisted in the beginning of four-sided and three-sided states, the three-sided—Virginia, North Carolina, Georgia, New York, Massachusetts and Connecticut—claiming an indefinite right of westward expansion. Benjamin Harrison shouted to the Continental Congress: "By its charter, Virginia owns to the South Seas . . . [Nobody shall] pare away the colony of Virginia!"

For five years, the small four-sided state of Maryland, refused to sign the Articles of Confederation unless the backlands were surrendered to the common government. Delegates to the Maryland State Constitutional Convention insisted that they wanted not just any union, but a union of equal partners, "this convention, being persuaded," they declared, "that if the dominion over these lands should be established by the blood and treasure of the United States, such lands ought to be considered a common stock to be parcelled out at proper times into convenient, free and independent governments."

Had it not been for James Madison and a few others this issue might have split the nation into two confederacies from the start. As it was, Maryland's position prevailed and brought to the Union "the cementing bond of a national heritage of Western lands."

In the rush to win the West, fundamental principles were laid aside. To encourage the building of transcontinental railroads, the federal government granted private promoters whole principalities of land, and all the wealth that lay beneath. Almost immediately after Gen. U. S. Grant became President, his good friend, Jay Cooke, the Philadelphia banker who financed the Union Army, was given 47 million acres of public land for his promise to build a railroad along the Canadian border. Cooke's lobbyists descended on the Grant Congress, and the Northern Pacific Bill of 1870 was rushed through to provide still more largesse. The generous grants to the railroad builders stimulated other wild grabs so that, as David Loth records in *Public Plunder*, "Within 30 years there remained in all the vast public domain not more than 25 million acres of arable land. . . . There had been disposed of, mostly without any return at all, 657 million acres of the best soil in America. . . . "

Reckless devastation of our natural resources continued for 40 years until conservationists like Gifford Pinchot spurred Theodore Roosevelt to reverse the trend by sweeping decrees bringing 150 million acres back into the public reserve. On public demand, Congress thereafter ordered separation of titles to surface land from the subsoil, and restored the principle of public ownership by leasing coal, oil and phosphate lands and the use of water power to private interests on a rental basis only.

Since Theodore Roosevelt's day it has been the purpose of every government agency to conserve our natural resources for the general welfare. Now, however, there is great danger that this principle will be set aside again. The Jay Cookes of today are demanding that President Eisenhower permit them the freedom to exploit public resources which President Grant permitted in his day. On the strength of his reckless campaign promise to "return off-shore oil lands to the states, Eisenhower and his Congress are being pressured to extend this to include public lands and public-power projects. Giving away our national rights in the submerged oil lands in the Continental Shelf can, as former Secretary of the Interior Oscar Chapman predicts, "establish the pattern for the greatest give away program in the history of the world."

The article which begins on page 13 of this issue is the first of a series which will report on the various plans for plunder now being promoted in Washington. If adopted, they would prevent the orderly development of our national resources which was essentially the purpose of Maryland's original demands for common possession of the Western lands. From that action came ultimately the Northwest Ordnance which provided for the progressive and systematic achievement of statehood, the sure support of schools and colleges and preplanned townships. Far more is now involved—untold wealth of mineral, animal and vegetable deposits in the ocean as well as on land, vital to a first-rate nation.

A "Union of equal partners" could not tolerate the claims of colonial New York and Virginia to rights extending to the South Seas in 1781. The common ownership of the public treasure continues essential to that kind of Union today.

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THE WEEK

POLICY AND POLITICIANS

The Senate has buried President Eisenhower's resolution on wartime agreements. And some Senators are working to kill the nomination of Charles E. Bohlen as Ambassador to Russia. Both actions seem a frantic effort to give a semblance of truth to campaign statements which had no basis in fact.

After his frequent denunciation of "secret treaties permitting the enslavement of free peoples," and after John Foster Dulles personally had drafted a similar denunciation for the State of the Union message, the President discovered no such treaties existed. Then the State Department, in Dulles' absence, reminded him that the Yalta agreement was our only legal basis for being in Berlin. So he proposed to condemn *Russian violations* of the Yalta and Potsdam treaties and to reassert the principles of Franklin D. Roosevelt's Atlantic Charter. But the Republicans were out on a limb and Senator Taft amended the resolution to deny the validity of the treaties themselves.

If the treaties are not valid they cannot have been violated. The resolution was buried.

In the meantime, Charles Bohlen was nominated. The Administration urged quick confirmation because, in this transition period, the US badly needs a first-rank observer in Moscow. Mr. Bohlen, one of the very few men in the entire nation who really knows Russia, is a man of unimpeachable loyalty and integrity who in the past 10 years has had intimate contact with the most far-reaching negotiations and decisions of our times.

But Bohlen had been at Yalta, as an interpreter, and he had told the Senators that their interpretation of that agreement was faulty and that their proposed resolution did not make sense. Sen. Homer Ferguson, who has promised much to the Polish voters of Michigan, Sen. Styles Bridges, and Joseph McCarthy immediately announced their opposition to him. The objection seems to be that Bohlen held high responsibility under two Democratic Presidents—an objection which, if allowed, could destroy the principles of professional diplomatic service and of a bipartisan approach to foreign affairs. On this principle, as Walter Lippmann has said, a change of administration and of party would constitute a purge of career officers in government. The contemplated retirement of George Kennan, another of our few Russian experts, supports the impression of a purge. And the entire picture since Inauguration Day suggests that there is a fundamental split in this administration between those driven to realism by responsibility and those whose thinking has hardened into the formula of ward-politics.

CLIQUE OF CRACKPOTS

Cardinal James F. McIntyre addressed The Bond Club, an organization of Los Angeles investment brokers, March 6, on "the attempt by a powerful minority to impose on American schools a new philosophy which admits of no responsibility toward the principles on which this nation was founded."

The National Education Association was singled out by the Cardinal as the exponent of this new philosophy, which he labeled "destructive because it attempts to supplant the patriotic and loyal spirit of American citizenry with a world viewpoint that ignores what is proximate for that which is remote—and dubious at least."

An inquiry as to why the NEA had been named brought from Msgr. William E. North, editor of *The Tidings*, Los Angeles Archdiocesan newspaper, the comment that this organization contains "a clique . . . bent on the complete secularization of this country's schools, and the elimination of anything but public schools."

Regarding the "world viewpoint" which the Cardinal condemned, it was pointed out that the NEA takes the position that the United States is taking part in the United Nations program and is a member of UNESCO. "These commitments are legal and moral commitments," say NEA spokesmen. "We expect to uphold the policies that are the law of the land."

Msgr. North derided UNESCO and the Covenant of Human Rights, saying, "These are not the law of the land. They are merely attempts by a crackpot secular group to substitute secularism for our Judeo-Christian heritage."

"Who belongs to this crackpot group?" he was asked.

"Eleanor Roosevelt and the Russian delegates," Msgr. North answered firmly.

Informed of Msgr. North's assertions, a NEA field representative replied that we belong to the United Nations by unanimous vote of the US Senate, and that financial support of UNESCO was undertaken by the United States at the behest of Sen. Robert Taft. Senator Taft, the spokesman stated categorically, is not a crackpot.

A BREATH OF FRESH AIR

In this age of guilt by accusation, any reaffirmation of the historic rights of the individual comes as a breath of fresh air. A highly refreshing instance is to be found in a recent decision of a New York City court, ordering the restoration of an individual's name to the eligible list for patrolman in the city police department. The name had been removed following the individual's admission that he had signed a petition in 1949 nominating a Communist for city councilman. But without contradiction he denied that he knew the nominee was a Communist or that he intended to support the Communist Party. He also denied that he himself had ever belonged to the Communist Party or any other subversive organization or that he had ever sympathized with subversive doctrines.

In an enlightened decision, worthy of the best legal traditions, Judge Hofstadter found no reasonable basis for treating the mere signature as the equivalent

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of adherence to Communism; "numberless reasons having nothing to do with Communism" might have motivated the signature. Hence the signature alone was held not to disqualify one for service as a police patrolman.

The court demonstrated a realistic appreciation of both the public interest and the constitutional rights of individuals, especially the right not to be excluded from public service by patently arbitrary or discriminatory means. No factor of national or local security, said the court, could justify a disqualification on grounds of adherence to Communism when there was no substance to the charge. Something better than unfounded suspicion was necessary before an individual could be thus branded as disloyal and subjected to humiliation and possible economic ruin. In the words of Judge Hofstadter, "It remains forever clear that constitutional limitations may not be abridged to meet supposititious needs, at the caprice of administrative or other officials."

HATE-MONGERS UNITE

A fabulous dinner at the Waldorf Astoria in New York on February 13, honoring Hearst-writer J. B. Matthews (former investigator for the Dies Un-American Activities Committee) and unofficially sponsored by the *American Mercury* magazine, went virtually unnoticed by the daily press. Columnist Sokolsky was toastmaster, Sen. Joseph McCarthy was the main speaker and the guests included some of the most prominent "hate-mongers" in the country.

Guests were urged to read the February issue of the *Mercury* which contains a story by Matthews entitled "The Reds in the White House." Matthews was praised by Rep. Fred Coudert (R., N.Y.) as the equal of Dies in the fight against Communism. Matthews returned the compliment by saying that Senator McCarthy and Dies were two great battlers against Communism.

The guests included: Alfred Kohlberg of the China Lobby; Merwin K. Hart and Joseph Kamp; Dr. Ruth Alexander, Hearst columnist; Dr. George Benson, president of Harding College; William Buckley, author of *God and Man at Yale*; Elizabeth Bentley; John T. Flynn, author of *The Road Ahead;* Harry Jung of the American Vigilant Intelligence Federation; Frank Hughes and Chesly Manly of the Chicago *Tribune*, and Mr. and Mrs. Westbrook Pegler.

There was new enthusiasm for "the job ahead" and it looks as though the McCarthyites will have the backing of at least one top administration leader—Vice-President Nixon sent a message paying tribute to Matthews.

FREEDOM TO LEARN

A drive instigated by elements of the American Legion, the D.A.R., and the Tennessee States Rights Association to curb "dangerous" thought in Tennessee cracked up last week against the report of a legislative investigation of high-school and college textbooks. A "favorable" report was expected to pave the way for an investigation of teachers and the enactment of a duplicate of Maryland's Ober Act, which was defeated by a last-minute uprising by liberals in the 1952 legislature.

The committee report, authored by its young Republican chairman, Sen. Sterling Roberts, and printed in full by the leading newspapers, made a resounding defense of the schools, the textbooks, the educators and academic freedom and concluded with a lecture on the state's urgent need for less concern over subversion and more about better facilities and a living wage for its teachers. "This country has become great because of its freedoms, not because of its restrictions," the report declared fervently. "Freedom to learn about the world and its complexities is as important as the freedoms of speech, press and religion. The suppression of freedom to learn will lead inevitably to restrictions of the other freedoms."

Though both houses accepted the report, sponsors of the investigation failed to give in and circulated on the floor during the debate seeking a new committee and a new investigation, this time of the "Russian Jew" on the state university faculty who wanted to invite a Negro to a school meeting and the "five Communists" on the university faculty. Meanwhile, prominent educators praised the report as a notable document in the literature of civil liberties and a wholesome corrective to the "monkey law" stereotype on Tennessee.

THE WEST

Stalin's death and the consequent speculation diverted attention from recent developments in the Free World's struggle for unity. But Communist boldness in the skies over Germany should cause a re-evaluation of Western strength.

In February, the foreign ministers of six nations met in Rome to overcome obstacles which for nine months have prevented ratification of the European Defense Community Treaty. They failed. And the United Nations Economic Commission for Europe reports that little progress has been made toward economic integration of Europe. The "historic trend toward impoverishment" through economic nationalism continues.

The European Coal and Steel Community did set up a tariff-free, six-nation market for coal in February and will set up a similar market for steel in April. But Communist sabotage of basic industries in the participating nations is already planned and organized. The Constitutional Assembly at Strasbourg did adopt a draft of the first European constitution ever agreed upon. But it cannot be ratified until the EDC treaty is ratified. The Anglo-American talks produced a concrete decision on the China embargo but only vague indications of non-binding agreements to liberalize world trade.

The treaty signed by Yugoslavia, Turkey and Greece culminates an effort begun with the Truman doctrine in 1946, to seal off a traditional area of Russian expansion. But Trieste remains a source of hatred between Yugoslavia and Italy.

On the whole, prospects for Western unity seem so poor that President Eisenhower is studying a "peripheral" plan emphasizing the line of the Pyrennes.

The Communist air activity may have been intended to kill speculation over division between Russia and the satellites. But it may provide the spur to unity lacking since October when Stalin decided Western alliance would crumble the moment fear of Russia abated.

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EUROPE AFTER STALIN: OPPORTUNITY FOR STRENGTH

THE END of the era of the Soviet Vozd gives General Eisenhower a chance to spearhead US world policy with an affirmative strategy likely to be more useful in the long run than the negations of psychological warfare. The opportunity is greatest and most quickly available in Europe. For the passing of Marshal Stalin from the stage of world politics has special meaning for all the Europeans, not only in the East but also in the West.

The temptation is strong among the psychological warriors in Washington to assume that the main chance now is to foment division among our enemies in Eastern Europe. Yet from the perspective of persons with longer and more direct experience, this notion seems unsound. On the contrary, Eisenhower has at long last a really good opportunity to remove disunity, if not to achieve unity, among our friends in Western Europe.

Though the effects of Stalin and Stalinism on Western Europe is less clearly shown on the map, it has in some ways been greater and more meaningful than in Eastern Europe. It was during the time covered by Stalin's career that the Western European countries lost for the first time in well over a thousand years the power to dominate the destiny of most of the world. They lost in addition some measure of their national independence. And it would be a gross misreading of the problems hindering the full and effective cooperation of these peoples in a grand alliance to fail to note an even more serious loss—of will, of vision, of hope.

In addition to the nine million Italians who vote for Moscow, there are millions of others whose effective support of democratic freedom cannot be depended on. In addition to the five or six million Frenchmen who vote Communist, there are even more millions who are reactionary *nationalists*, *neutralists*, *escapists* and *defeatists*. These are the European formations which US psychological warfare has the best chance to break up. As a matter of fact there are already plain signs of disintegration among the Western Communists and fellow-travelers. And who is to say that a Titoism which splits the Italian and French Communist Parties away from Moscow is less valuable than one which weakens the fealty of Poland and Czechoslovakia?

In essence, of course, the choice in priorities between stepped-up psychological warfare in Eastern Europe and creative leadership in Western Europe depends on the calculated risk of answering *the* question: Is war closer or farther away? If it is closer, division of the enemy—at any cost—may be the first priority. But if the Western Europeans are right in believing that the Soviets will be too beset by internal problems to dare attack, the long pull calls for help in removing the disunity among our friends.

The assumption underlying Eisenhower's message to the Soviet peoples seems to be that with the death of the Vozd—the latest version of the "Little Father"—the deep religious feelings of the Russians become exploitable as a source of disaffection from the regime. But the appeal to Russian religiosity has been tried many times since Pope Benedict XV on May 1, 1917, immediately after the first Russian revolution, issued the *Dei Providentus* detaching the Roman Catholic Church's Congregation for the Eastern Church from the Congregation of the Propagation of the Faith, and making it in its own right a "crusading" agency. Pope Pius XI went farther, with the *Sancta Dei Ecclesia* in 1938, after the worst of the Soviet purges. The Jesuits have never ceased their efforts to save the religious Russians from the Stalinistic anti-Christ.

Another assumption may be that increased pressure now on the satellites will start a break-away from Moscow. But, in acting on it, Eisenhower risks not only helping the Kremlin's new masters to invoke patriotic unity; he also risks alienating some of our best friends in the West. The London *Observer*, commenting on the recent Balkan pact, wrote:

> This proof that classical diplomacy, which rejects interference in internal affairs, can overcome successfully even the ideological differences between Communist and non-Communist states is particularly timely when the new American administration has tabled in Congress a vaguely worded resolution which, if it means anything, seems to proclaim a doctrine of subversion as the basis of American diplomacy in Eastern Europe. Such a doctrine would be unacceptable to Britain.

In Western Europe the hopelessness and futility which tend to keep pro-Sovietism from quicker dissolution, and which also stand in the way of the natural unity of those who really believe in democratic freedom, come in large part from the fear that Dulles and, even more so, Eisenhower are still captives of the election deals with men like McCarthy. The *Monde* of Paris writes:

> The Administration has completely capitulated to McCarthy, Velde and Jenner who by their abominable or simply ridiculous excesses undermine the moral health of the country and hurt America's position in the world at a time when psychological warfare is more and more becoming the order of the day.

This is a typical comment. We could quote dozens like it from newspapers all over Western Europe. They suggest that Eisenhower has already weakened his international backing, and therefore his chance to give the creative leadership to which Western Europe might respond, now that Stalin's destructive leadership is no more.

Western Europeans will refind their lost (political) faith in US leadership; fellow-travelers will change course; many Communists will stop being Muscovites or what General de Gaulle calls "separatists" if Eisenhower can assure their countries of strong, decent, self-respecting independence within the grand alliance. But Eisenhower's assurance can have weight only if—and to the extent that—he himself is strong and independent enough to put his own (small d) democratic house in order.

Rome FRANK GORRELL

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THE PRESS AND WESLEY ROBERTS

by Kenneth S. Davis

C. WESLEY ROBERTS' job as chairman of the Republican National Committee "appears secure unless the investigation in Kansas turns up something more damaging than his hospital sale fee." So said a dispatch in the Kansas City *Star* Sunday morning, March 1, and scores of thousands of Kansans, most of them still fervent believers in their Ike's "crusade" against corruption in government, read it with dismay and no little anger. With the investigation finally underway since March 10, Wes Roberts' job may be less secure. With proper press coverage, the rest of the country may in time join the Kansans who find sufficiently "damaging" the disclosures already made concerning Wes Roberts' peculiar methods of pursuing the almighty dollar.

Republicans and Democrats alike in Kansas were not soothed when they read that the "controversy" is regarded by national Republican committeemen, and presumably by President Eisenhower, as merely a local "factional fight" over the Kansas governorship in '54. Of course there *is* a factional fight within the Kansas Republican Party. It is generally described as a "revolt" of the younger, more progressive Republicans and independents, led by Lieutenant-Governor Fred Hall, against "palace guard" reactionaries whose nominal leader is Governor Edward F. Arn (though the revolt would be nowhere near as effective as it is were it not aided by disgruntled Taft supporters). In the primary last summer, the Arn faction, with Wes Roberts as a key leader, went so far as to put up a candidate of its own to run against Hall—a purge attempt which utterly failed. Not only did Hall win the primary hands down, he ran far ahead of Arn in the November election.

Nor is there much doubt that, without this factional fight, we Kansans would be as ignorant of the Roberts mess as we have been of earlier and equally stinking ones, or as ignorant as the national public appears to be in the present instance, for ordinarily Kansas politics is a quiet, cozy affair, a perpetual Era of Good Feeling in which a small clique runs things to suit itself without fear of exposure from the press it controls or of effective opposition from a small Democratic Party which lacks precinct organization. Probably the original tip on the Roberts story came from a man who hoped to embarrass Arn, and was at least willing to risk damaging the oh-so-moral Eisenhower "crusade"; certainly the working press would not have been permitted by Kansas publishers to play the story so prominently if a fair proportion of those publishers had not been on the Hall side of the fight.

But once fairly broken, the story was so nice and big and juicy, so important in its national implications, that it should have been tophead material in anybody's paper. Particularly are Kansas journalists outraged by what appears to them a deliberate effort to keep the story from crossing the state line. Why, they want to know, does so much of the Topeka AP file on Roberts fail (as it appears) to get beyond the division point at Kansas City? Why has *Time* magazine printed not one of the 4,500 words on the Roberts story filed by its correspondent here in recent weeks? Why are no special correspondents from press associations and major publications sent out to investigate? (So far only the St. Louis *Post-Dispatch*, which broke the William Boyle story, so damaging to Truman, has evinced enough interest in Roberts to send a man to Topeka.)

The first hint of the story was a phone call, from a source carefully protected, to Alvin S. McCoy, the Kansas City *Star's* astute political reporter in Topeka, advising him that if he'd check certain records in the State Auditor's office against certain records in the office of the State Insurance Commissioner, he'd discover a highly interesting discrepancy. McCoy, who has no reason to love Wes Roberts, promptly did as he was advised. He found that, in pursuance of an act of the 1951 legislature, State Auditor George Robb had issued a warrant paying the Ancient Order of United Workmen, a fraternal insurance company headquartered in Newton, Kansas, $110,000 for a hospital building standing on the grounds of the State Tuberculosis Sanatorium at Norton. But in the office of State Insurance Commissioner Frank Sullivan, McCoy discovered that AOUW records of business filed at the end of 1951 showed that the company had received only $99,250 for the purchase.

Where, asked McCoy, did the difference go? What happened to $10,750 of the taxpayer's money? He asked Mr. Sullivan, who said he didn't know. He asked Edgar C. Bennett, head of the insurance company (a leading Kansas Democrat, incidentally), who said he was "unable to tell off hand where [the money] went," adding that "we had some expenses, commissions and attorney's fees" but "I don't know how much." So, on the morning of February 10, McCoy asked the question in the columns of his paper, disclosing also that the building had been

Kenneth S. Davis, a native of Kansas, has written three novels and a biography of Dwight D. Eisenhower entitled Soldier of Democracy. *A book of his on river development problems entitled* River on the Rampage *will be published by Doubleday in June.*

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carried on the company's books at a $17,500 valuation, which meant that the company realized a net profit of $81,750 over book value—and that the building's cost and all expenses for maintenance and improvements added up to only $67,779. It looked like a poor stroke of business for the taxpayers, to say the least.

McCoy talked the story over with his friend John McCormally, political reporter of the Hutchinson *News-Herald*, and together they put so much heat upon the reluctant Mr. Sullivan that he called AOUW officials to his office for questioning. It was then disclosed that the missing $10,750 had gone into the pocket of C. W. (Wes) Roberts as a fee for negotiating the sale of the building to the state and that, in addition, AOUW had paid Roberts $250 in cash, for expenses. Immediately, reporters checked in the office of the Secretary of State to see if Roberts had registered there as a lobbyist (Kansas statutes establish penalties of fines up to $5,000 or jail terms up to one year, or both, for lobbying without registering). They found he hadn't.

Called up in Washington, Wes Roberts "explained" with a great show of frankness. He hadn't registered as a lobbyist, he said, because he wasn't one. After August, 1950, when he relinquished his post as state chairman of the Republican Party, he was again, he said, a private citizen. (He failed to mention that, as a "private citizen," he was campaign manager for Eisenhower's friend, Frank Carlson, who successfully sought a seat in the US Senate.) While looking around for a newspaper to buy, he'd set himself up as a "public-relation counsel" in Holton (pop. 3,000), and a few weeks later had received a call from Bennett, the AOUW head.

He told me that the insurance company had erected a building at Norton back in 1928, under a contract with the state, by terms of which AOUW would pay construction costs and also pay the state for members sent there for treatment, these members to have prior rights for entry [Roberts said]. The contract also provided that the AOUW retain title to the building.

He retained me to do the preliminary work of getting the facts in the case for $1,000 [Roberts went on]. I told him the price of the building would have to be fixed by the state, not by any dickering. He agreed to that. We finally agreed that my fee should be $10,000 plus the retaining fee, if he decided to go ahead with the proposition after I had checked all the factors.

This last involved calls upon the State Welfare Board, the State Attorney General, officials at Norton, and a look at "the records," whereupon armed with "the facts," he called upon the State Architect (then Charles Marshall) "to establish for the state a fair price for the property."

Marshall reported that $110,000 would be a fair price. And after thinking it over, Bennett agreed to that figure. I did not lobby for this appropriation. I did ask Chris Green, chairman of the House Ways and Means Committee, if his committee would consider the matter if the proper state officials asked for an appropriation. He assured me then, and does now, that it was a good arrangement for all parties concerned.

This "explanation" completely satisfied the White House, Eisenhower's press secretary, James Hagerty, said the next day. But for knowledgable Kansans, it raised far more questions than it answered.

Why was Roberts paid so much for so little? Why the adroit wording of Roberts' "explanation" of the $10,000 which was to be added to his retainer only "if he [Bennett] decided to go ahead with the proposition after I'd checked all the factors"? Could it be that Roberts knew well that portions of the Kansas lobbying law prohibit the acceptance of "contingency fees"—that is, fees to be paid only if the desired legislation passes? Was there mere coincidence in the fact that AOUW, having allegedly tried in vain to "sell" the building to the state for at least 10 years, suddenly succeeded when Roberts was hired? And how did Roberts' flat denial that he was a lobbyist check against the Kansas statute's definition of that term?

According to the law, a legislative counsel or agent (lobbyist) is "any person who shall be employed, appointed or retained by any person, firm, association, organization or corporation having any interest in any measure or measures pending before or to be introduced in either branch of the legislature . . . who shall attempt at any time to influence in any manner the act or vote of any member of the legislature during any special or regular session concerning such measure or measures."

These questions became more pointed as it was realized that, almost certainly, the state had been inveigled into paying $110,000 *for a building it already owned!* The structure, and the wing later added to it, had been designed by the State Architect. The contract between the AOUW and the state, dated the 17th of January, 1928, was reproduced by photostat in the Kansas press, and readers pondered the sentence which said that "when such rooms in this unit (the building on sanatorium grounds, allegedly owned by AOUW) are not occupied by members of the party of the first part [AOUW], they are to be available to the use of other patients who are admitted to the State Sanatorium for tuberculosis." The evident meaning of this sentence seemed confirmed by a letter written July 17, 1927, to William A. Smith, then Attorney General and now a justice of the State Supreme Court, by Charles S. Huffman, who was then chairman of the State Board of Administration which had

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charge of the Norton hospital. Mr. Huffman wrote: "Should the AOUW in the future wish to withdraw its interest, the pavilion [building] will become the property of the state for the use of the sanatorium."

Still further evidence that the state had had legal title to the building all the time was the revelation by the Norton County Clerk, G. V. Sarvis, that the AOUW had never paid taxes on the hospital it allegedly owned. "If the building was owned by the AOUW," Sarvis said, "it should have been taxed, as a building on leased ground, as personal property." He added that the building was not on the tax roll when he took office in 1937, so the assessors assumed it was state property.

On February 14 the fireworks began. Former Governor Alf M. Landon, 1936 Republican Presidential candidate, charged that:

> President Eisenhower's satisfaction with the ridiculous explanation of National Republican Chairman C. Wesley Roberts for his prostituting of his political influence in a raid on the public treasury of Kansas, which stinks to high heaven, does not satisfy the people of Kansas by a long shot.

Others, who had accepted at face value the high moral purposes proclaimed by Eisenhower, squirmed uneasily when Landon described the Roberts' "raid" as "unpleasantly reminiscent of the loose standards of public honesty and morality which the people of America voted to change in the last election."

Landon was abundantly sustained by the solidly Republican Kansas press. Richard Seaton's Coffeyville *Journal* editorialized that "the chickens are coming home to roost" and that the Roberts appointment to the chairmanship of the National Republican Committee was a "remarkable" one, "so remarkable that Kansas newspapers in the main had nothing whatever to say editorially about it" for "they knew little good could be said."

The Salina *Journal,* no doubt remembering that William Boyle had been forced to resign the chairmanship of the Democratic National Committee for having accepted a far smaller "influence-peddling" fee, asserted that "if Wes Roberts doesn't quit today as Republican chief, he should be fired tomorrow." The Norton *Telegram* was sure that the "Wes Roberts case is going to stick in the corner of the minds of Kansas voters for quite a while, no matter how much whitewash is applied by state and national Republican politicians."

To apply or to prevent this whitewash became, abruptly, the main aim of Kansas politicos. Governor Arn, obviously burnt by the blazing sunlight of publicity, took refuge in the shadow of the White House, proclaiming that he had "a great deal of confidence in Ike Eisenhower" and that he thought Eisenhower "was right in accepting Roberts' explanation." He, too, "was satisfied with the explanation." He was willing, however, to have a "full" legislative investigation of the matter. Lieutenant-Governor Hall, on the other hand, was sure "the whole matter deserves further consideration than the President has given it."

The people of Kansas, in Hall's belief, "are entitled to get their money back," and State Rep. Howard Bentley, chairman of the House Ways and Means Committee, a member of that committee when it approved the appropriation for "purchase" of the hospital building in '51, said he was "looking into the question of the possible recovery" of the purchase money, though he'd not yet gone beyond the "researching stage."

Two days *before* the Roberts story broke, Sen. John H. Moore (R) introduced a resolution calling for a $50,000 appropriation for investigation into all departments of the state government. Last fall's campaign charges of graft and corruption in the State House had prompted Moore's action. However, on the day after the Roberts story broke, Sen. William Weingard (R) moved that an "emergency" be declared in order to permit prompt floor action on the resolution which was under consideration in the Judiciary Committee. This attempt failed by a vote of 20 to 12.

Not until February 19, after considerable prodding did the Judiciary Committee make its report, and this, in effect, junked the Moore resolution. Instead of a seven-member investigating committee, the 13 lawyers proposed a nine-member committee, including one Democrat from each house. Instead of a possible two-year term and $50,000, the Judiciary Committee proposed to give the investigators a March 25 deadline, when they might ask the legislature to continue the committee's life and might seek a direct legislative appropriation. As for the manner in which the committee members were to be selected, the 13 lawyers were significantly silent—and it was of course on this vital point that the legislature's debate was centered.

Senator Weigand immediately charged that the Judiciary Committee's report was "the first daub of the whitewash brush." Senator Moore angrily cried that he'd "certainly vote against" the resolution "as now written" (he voted for it four days later), adding "what else can you expect when some members of the Judiciary Committee have received retainer fees from the Highway Department"—a charge so widely known to be true that no one tried to deny it. (Such fee-taking, in the peculiar nature of Kansas statutes, is perfectly legal.) And the Topeka *Capital,* whose editorial policy is in general somewhat to the right of Westbrook Pegler, editorialized on the front page that "the public won't take a Roberts whitewash" and the legislators "may as well face up to that fact."

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When the legislators went home that weekend, they heard the same story, in vehement language, from their constituents (not since the Finney forged-bond scandal of the early 1930s have we Kansans been so riled up about "dirty politics"), and when the Judiciary Committee's resolution came up for Senate action on February 23, the administration's evident desire to have the "investigators" appointed by party caucus was effectively prevented. One amendment, defeated before the resolution itself was passed by unanimous vote, would have continued the special committee until 1955, and would have prevented Attorney General Fatzer from serving as the committee's legal counsel. This amendment was prompted by the fact that our Attorney General, who demonstrates intense moral fervor when he's campaigning, has betrayed no excessive zeal in the present instance. He's indicated no eagerness to interpret the lobbying act nor to interpret Wes Roberts' actions in relation to it.

This curiously relaxed attitude did not please Representative MacNair, who seems genuinely anxious to right a wrong he helped unwittingly to perpetrate, and on February 17 he signed a letter asking the Attorney General to investigate "the activities" of Roberts and the Ancient Order of United Workmen, and requesting Fatzer to "bring prosecution in the event facts warrant same for violation" of the lobbying statutes, and Fatzer agreed, with no great enthusiasm, to do so.

However "I have no evidence that would justify filing criminal proceedings," he said, nor was he then endeavoring to gather any, assuming that it exists, as he was empowered if not required by law to do. "It would be nonsensical for both [the legislature and the Attorney General] to make an investigation when one would suffice," he asserted, though he stood ready "to assist the [investigating] committee in every way." Thus blandly did he ignore evidence known to all who read the Kansas press, evidence which just *might* seem quite convincing to a jury, if properly presented.

At the same time popular pressures forced the chairman of the House Ways and Means Committee to ask Fatzer for a formal answer to two questions:

1. "Did the AOUW have an interest or something of value to sell to the state of Kansas which the state received by this transaction?"

2. "Did the legislature have the authority to make the appropriation for this purpose?"

We Kansans await with considerable interest the Attorney General's answers. They may indicate whether, in the Arn faction's opinion, Wes Roberts must be "sacrificed" in order to protect state departments from investigation; whether he *can* be sacrificed, considering his peculiarly intimate relationship with Senator Carlson, and Carlson's with the President.

Meanwhile the country has the interesting spectacle of a great political party, dedicated to a restoration of morality in government, whose national chairman is being investigated for possible criminal prosecution on evidence uncovered by newspapers of his *own* party in his own state. The country sees Senator Carlson bring Albert Cole to Washington as head of the Federal Housing Administration and attempt to get Jeff Robertson appointed head of the Federal Power Commission—the former notorious for his service to the national real-estate lobby, the latter for his consistent sacrifice of the general welfare to corporation interests—and the country may wonder if the "Kansas Gang" represents any great moral improvement over the Missouri one. A few of us may even wonder about the mental and moral quality of President Eisenhower's personal leadership, having seen so many signs of a pragmatism seemingly uninhibited by principle since he was "drafted" into party politics.

But most of all do we Kansans wonder why this juicy Roberts story is so neglected by the nation's press. The Boyle story certainly wasn't. Isn't this one news, Mr. Publisher?

Are GOP Scandals News?

THE ANSWER to the above question, judging by leading newspapers in the East, thus far is NO. On February 13, the day the Roberts story broke nationwide, the New York *Times* used a seven-paragraph United Press story on page 16. In Washington, D. C,. Roberts' new hometown, the *Post* found no place for it at all.

When the investigation began in Kansas last week, the New York *Times* carried no story on either March 11 or 12, the first two days of the hearings. The Washington *Post* buried its first story on page 11, under the innocuous one-column head:

JUSTICE CITES
KANSAS RIGHTS
TO HOSPITAL

This wire-service story was exactly three and one-half inches long. State Supreme Court Justice Smith testified that Kansas already owned the hospital it bought through Roberts, and pointed out that the contract between the AOUW and the state "called for state ownership, because when you build a building on property, the building goes with the real estate." The following day, the *Post* carried an equally tantalizing three-inch story (this time on page 1) reporting the testimony of Edgar C. Bennett, president of AOUW, who said the insurance company had hired Roberts to represent it because he had a "certain type of talent."

Neither the Scripps-Howard New York *World-Telegram* nor the McCormick *Daily News* took notice of the opening of the investigation, in contrast to their early-bird reporting of every minor case of Democratic wrong-doing. – THE EDITORS

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SEASON FOR PLUNDER

I. THE PUBLIC DOMAIN

by Jean Begeman

BEFORE leaving on his round-the-world trip, Adlai Stevenson warned:

> There are powerful interests who interpret the election as heralding an open season for the retail and wholesale transfer to the states of our great national assets—the forests, the grazing lands, the water and the minerals. Already the Republican chairman of the Senate Interior Committee has darkly hinted that such plans are afoot. . . .
>
> I hope we don't forget that the public domain belongs to Democrats and Republicans alike, and, as Theodore Roosevelt warned us long ago, the descendants of both will pay the price if we do not preserve their heritage for them. And I confidently expect that the Democrats in Congress will be the public's guardians of our forests and our parks; our great reclamation programs and our family-sized farms; and of low-cost power for all people.

In 1850 three-fourths of the land in the United States belonged to the government—the result of acquisitions by purchase, treaties and war. Since that time deeds to states for educational purposes, large grants to railroads and canal companies and small grants to homesteaders have pulled down the government's participation in land-holding—and today less than one-fourth of the land is federally owned.

But this one-fourth has been carefully developed and conserved. Today there are 455 million acres of public lands in the United States and 365 million in Alaska. While there is no way of estimating accurately the worth of the lands, former Secretary of Interior Oscar Chapman told a Senate committee on March 2 that "the value of the public domain in the continental United States amounts to well over a trillion dollars and in Alaska to $551 billion."

The resources beneath the lands include an estimated four billion barrels of oil, enough oil shale to produce 130 billion barrels of crude oil, and 111 trillion cubic feet of gas and 324 billion tons of coal. This is the wealth that for years powerful pressure groups have attempted to raid. The pressure groups represent the private interests who lease the public lands—oil companies who lease public lands for petroleum development, cattle and sheep owners who lease land for grazing, mining companies for mineral extraction and private utilities eager to obtain power generated at government dams for resale to the public.

The leasing of public lands brings back to the government over $300 million in revenue annually: oil and gas leases, $48 million; grazing and timber, $80 million; sale of public power, $210 million (of which $130 million is from the sale of TVA power during 1952). And, according to the Supreme Court, the government is the rightful owner of the vast oil and natural gas resources under the marginal sea and the Continental Shelf.

Whether the government will continue to protect the public domain for the benefit of all the people or give it over for the benefit of a few special interests rests with General Eisenhower, Secretary of Interior Douglas McKay and the 83rd Congress.

Spokesmen for the National Association of Manufacturers, the US Chamber of Commerce, the big private-utility companies have revealed the strategy of the new "grab" for public land and public power. In a speech before the Commerce and Industry Association of New York, Inc., last September, Charles E. Wilson (General Electric) sent up this trial balloon:

> What is wrong with selling our national dams, generating equipment, and distribution facilities to the people? . . . The potential buyers are all around us. . . . They are the people who own government bonds. Under this plan, bonds could be exchanged for shares of stock in the new companies to spring from the presently government-owned plants. It would be deflationary to the extent that the debt is reduced. . . . Millions would own a tangible part of American Business Enterprise. . . .

Millions would also pay higher rates for public power. Federal public power and water projects are "book valued" at $27 billion and while Wilson's scheme might decrease the public debt by 10 percent, it does not take into account the annual returns to the US Treasury from our self-liquidating projects. It would, indeed, be a bonanza for the private utilities.

Soon after Eisenhower's election, Laurence F. Lee, president of the US Chamber of Commerce, began the current crusade for "land freedom," *i.e.*, the gradual transfer of all federal lands to private owners. He told the National Lumber Manufacturers' Association to join such groups as "the pulp and paper industry, several state cattle and sheep growers organizations, the Council of State Governors, the taxpayers' associations," and State Chambers of Commerce to help Congress draft "corrective legislation." Last December, Lee declared that

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46,000 acres of public land about to become part of the Olympic National Park should be sold to private interests and added a recommendation that the government should be "seeking ways to dispose" of public lands and "return the land to private ownership."

Wilson and Lee were the advance guard of the Administration's attack on the public domain. More recently Senate Interior Committee Chairman Hugh Butler (R, Nebr.), in his enthusiasm over the conservative views of Secretary McKay who was appearing before the Committee, interrupted to announce prematurely that after the tidelands are handed back to the states there are plans underfoot for "the introduction of a bill that will make the same theory applicable to public lands now held by the federal government."

This pronouncement on the part of a key Senate committee chairman sounds like the beginning of another "Wild West Show," as the Denver *Post* called the attempted "land grab" of 1946 and 1947. That was the time a group of wealthy livestock lobbyists, working closely with a handful of Senators and Representatives, tried to get control and ownership of all the grazing lands, the national forests and the unappropriated public domain. At the public hearings, the group only permitted witnesses to appear who would attack the Forest Service and other federal agencies; conservationists and the small livestockmen who benefit from the present grazing system were prevented from testifying in rebuttal. In the *National Parks Magazine,* current issue, the editor recalls that the scheme in 1947 was to transfer all grazeable federal lands to the states, for sale *only* to the select 22,000 stockmen who already held permits to graze their livestock on them.

Today, the editorial points out, "the broad objectives of the exploiters have not changed, but tactics have been refined. Now the hope is that lumber companies will join forces, to gain control and ownership of the forest lands as well. . . ."

When Sen. Henry Jackson (D, Wash.) in hearings on the confirmation of Secretary McKay asked whether or not McKay felt that the public domain, the grazing lands, or the timberlands ought to be turned over to the states, McKay answered that he had no opinion on the subject. Two years ago, the Interior Secretary had rather strong opinions on that specific question. In an article in the January, 1951, issue of *American Forests,* then Governor of Oregon McKay said:

> We want no federalization of our Oregon forests. We want no meddling with our proven methods of tree-roots forest management. We are all neighbors here in Oregon, whether we work for the state or for industry, and we want to run our own affairs as every true son of the West has done for a century or more. Let those who would impose carpet-bagging, socialized, push-button forestry on us first look to their weapons, for they will get a fight in Oregon.

However, a survey in McKay's home state by a local Chamber of Commerce in Douglas County, Ore., that same year showed that in an area where the annual allowable cut was estimated at 475 million board feet for sustained yield, private lumber interests were cutting 750 million board feet. The survey uncovered the fact that 41 percent of the logging operations on private land during 1950 removed all trees so the lands could be converted to agriculture and stock raising, thus increasing the difficulty of growing sufficient timber to maintain the 245 sawmills in the area. A little "push-button" forestry might have proved more efficient. The Interior Department manages 2.5 million acres of the nation's greatest timberland in Western Oregon.

The Bureau of Land Management, the Indian Service and the Fish and Wildlife Service of the Department of Interior will be under the direction of the new Assistant Secretary, Orme Lewis of Arizona. A corporation lawyer, Lewis explained to the Senate Interior Committee considering his appointment that he was on the board of directors of the Arizona Public Service Company (a private utility that originally grew out of American Power and Light) and owns approximately 2,500 shares of stock in the company (which has a wheeling agreement with the Indian Service in Arizona). Senator Jackson found the situation "almost on all four's with the GM problem Mr. Wilson was up against." With the largest part of the public domain in Mr. Lewis's hands, here is his view as expressed before the Committee:

> SENATOR ANDERSON. There was a plank in your party's platform that caused a lot of discussion, that had to do with public lands. Did that controversy enter the situation in your state? Are you familiar with the plank to which I refer? It says—"We favor restoration of the traditional Republican public-land policy which provided opportunity for ownership by citizens to promote the highest land use."
>
> That was translated in some places into a recommendation that all of the public domain move into the hands of private citizens. How do you stand on that question?
>
> MR. LEWIS. I have no preconceived notion, but I can imagine what would happen if the federal government would turn around and say to Arizona, "It is yours." That would be going a little too fast. I think the problem there is typical of the Indian problem. I am in favor of it as a completely long-range project. . . .
>
> CHAIRMAN BUTLER. You are in favor of getting public lands on the tax rolls as rapidly as is feasible?
>
> MR. LEWIS. That is correct.. . . .

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SENATOR JACKSON. . . . Do you believe those [timber] resources ought to be turned over to the states, or remain under federal management?

MR. LEWIS. . . . Well, as I said, I am not sufficiently well informed to answer the question and say "Yes, I believe they should be turned over," or "No, they should not." However, I do believe along the same line that I originally expressed—that as time goes along, all of those should go.

SENATOR JACKSON. To the states?

MR. LEWIS. I am not thinking of the states. I am thinking of private citizens. I am thinking of the far distant future when I say that. . . .

Our vast public power and reclamation projects are to be in the hands of former Governor Fred G. Aandahl of North Dakota, now Assistant Secretary of Interior. The private utilities have long attempted to stop the government's progress in this field. Shortly after McKay's nomination, Dr. Paul Raver, Bonneville power administrator, forecast that the new Administration may take the federal government entirely out of the power business in the Pacific Northwest and make the Columbia River development a regional responsibility.

Before departing from government service, Michael Straus, Aandahl's predecessor in the Interior Department, sent Congress a $3.8 billion construction program for 17 Western states during the next 17 years. The entire program, he said, is subject to Congressional action and therefore is "admittedly hypothetical," but it places on the record a picture of what his Bureau of Reclamation thought necessary to keep the West expanding. Aandahl lost no time in telling Congress that he was a strong supporter of the "states' rights philosophy" when it comes to power development.

To identify Aandahl's position on issues under his jurisdiction, here are selected statements he made before the Senate Committee considering his nomination:

Perhaps I am not sufficiently familiar with the Bonneville Power Administration to make any statement that would directly reflect on the policy in that particular project. I would say generally, though, that I feel a maximum of responsibility should be left with the local communities. . . .

I did not mean to imply that the federal government has already taken over private utilities, but I do feel that this trend toward overexpansion, particularly in the distribution of hydroelectric power, could very easily have been a step in the nationalization of power. . . .

I do not think that the Department of the Interior should build any steam plants to supplement the hydroelectric power that they are generating. . . .

When Senator Jackson questioned him further on this latter point, saying, "What reason do you give for opposing steam plants? If the federal government builds a power dam, how can you oppose the building of a steam plant, if the steam plant is necessary in order to make the power plant economically feasible and more efficient?" Aandahl replied: "If that is done, we are just going to move further and further in the direction of complete nationalization of electric power."

During his three terms as Governor and in his 1952 campaign against Sen. William Langer for the Senate nomination, Aandahl charged that MVA is "Socialistic," that power distributed to users under government sponsorship is "a major step toward Socialism," that public transmission lines shouldn't "reach out too far just to reach priority customers." His views are in accord with those of the private-power industry and the conservative Farm Bureau Federation. At its national convention in December, the Farm Bureau went on record as opposing the building of public transmission lines to carry public power from public dams to co-ops and municipalities if private companies wish to get control through building the line themselves. The private utilities have also planned an attack on the "preference clause" in the federal law which says that power projects built with public money must give co-operative and municipal systems first chance at purchasing energy they produce, in order to assure maximum benefits reaching consumers.

The mineral and livestock lobbies have staked their claims for the public domain too. Sen. Lester C. Hunt (D, Wyo.) has introduced S 807 which would turn the valuable mineral rights over to the states. The cattle and sheep lobby has drafted a bill, not yet introduced, along the lines of the GOP platform that would give stockmen increased grazing rights in the national forest.

Bernard DeVoto, who has hammered away at such pressure groups since 1947, points out in the February issue of *Harper's* that the recent resolution by the Wyoming Farm Bureau Federation, "that all public lands and all minerals on or under said lands [oil, oil shale, phosphates] 'claimed by the federal government should become the property of the state of Wyoming" is just one version of a proposal that is going to be made in various forms, as groups experiment to see how far they can get the new Congress to go. DeVoto warns: "If the public lands are once relinquished, or even if any fundamental change is made in the present system, they will be gone for good."

In the recent hearings on the off-shore oil measure, Sen. Arthur V. Watkins (R, Utah) furthered the cause of the plunderers by stating that so far as he was concerned the states could handle the public lands in their boundaries in a more efficient manner than the federal government. Sen. Lister Hill warned his colleagues that if the coastal states should get title to the submerged lands, "the next logical step is for the Western states to claim" the public domain in their boundaries.

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The views of McKay and his assistants, the tenor of Republican Senators and Representatives eager to curry favor of the big utilities back home by condemning all public power as "Socialistic," the lack of enthusiasm for conservation on the part of President Eisenhower who, during the campaign, pretended to be a composite of Gifford Pinchot and Teddy Roosevelt, are evidence enough that the great natural-resources program launched a half century ago is being steered in the opposite direction. The best that can be hoped for is that in four years the Republicans cannot destroy the progress of the past 20 years.

FALLACIES IN THE LAW OF SEGREGATION

by Leonard W. Levy

THE LAW of racial segregation in education is strewn with fallacies and frauds which the Supreme Court will have the opportunity of re-examining when it hands down its decision on Jim Crow public schools. Most informed persons will allege that since 1896 the Court has many times held compulsory segregation in education to be constitutional. The widespread belief to this effect has no foundation in law or fact; there is no constitutional basis for the practice of requiring different schools for the white and colored races. Belief to the contrary is a fallacy.

A critical reading of all the Supreme Court "precedents" which are supposed to buttress segregated education discloses that not until 1950 was there a case in which the question was explicitly before the Court, and then the question was avoided. Never has the Court actually *decided* the constitutionality of a state law compelling racially separated schools. But from 1927 to this day the Court has *assumed* that the question had been long since decided—an interpretation of law which invites comparison with the one offered by the judge in W. H. Auden's *Law Like Love*:

> Law, says the judge as he looks down his nose,
> Speaking clearly and most severely,
> Law is as I've told you before,
> Law is as you know I suppose,
> Law is but let me explain it once more,
> Law is The Law.

The process by which segregated education has come to be accepted began in 1896 with *Plessy v. Ferguson,* which is still the law of the land. It was this case, the legal linchpin to the entire structure of Jim Crow in America, which established the "separate but equal" doctrine: Negroes are not denied the protection of the Fourteenth Amendment when provided with separate facilities which are substantially equal to those afforded to white people. The opinion of the Court is the most frequently cited "precedent" for the constitutional validity of segregation in education. However, the question before the Court for adjudication in no way concerned racially separated schools.

The case arose when Plessy, an octoroon, had been ejected from a Louisiana railroad coach reserved for whites only. The Supreme Court explicitly defined the question before it: ". . . the only issue made is as to the unconstitutionality of the act, so far as it requires the railway to provide separate accommodations, and the conductor to assign passengers according to their race." While upholding the segregation statute, the Court digressed from the issue to comment favorably upon decisions by state courts in favor of segregated schools. However, the digression was a gratuitous irrelevancy which carried no force of law. As the Court's own definition of the issue indicated, it decided no more than the constitutionality of Jim Crow in public intrastate transportation. Citation of the case as the "leading authority" for sustaining compulsory racial segregation in education is wholly unwarranted.

Three years later in a Georgia case, *Cumming v. County Board of Education,* the Court was for the first time presented with an education case which obliquely concerned segregation. Negro taxpayers vainly appealed to the Court to enjoin their school board from spending public funds for the support of a white high school, when no provision was made for a high school for Negro students. However, the Court clearly refused to discuss the constitutional question for the following reason:

> It was said at the argument that the vice in the common school system of Georgia was the requirement that the white and colored children of the state be educated in separate schools. But we need not consider that question in this case. No such issue was made in the pleadings. . . . We must dispose of the case as it is presented by the record.

Notwithstanding this express exclusion of the segregation issue, the case in later years, by some weird alchemy, would be metamorphosed by the Court into another "precedent."

In 1908 the Court considered a Kentucky act which made the teaching of Negroes and whites at the same school unlawful. The target was little Berea College, a private interracial institution incorporated in 1855 and dedicated, in the words of its charter, to the proposition

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that "God hath made of one blood all nations that dwell upon the face of the earth." Decision against the college turned on a technical ground relating to the power of the legislature to amend the charter of a state corporation. "It is unnecessary for us to consider anything more than the question of [the act's] validity as applied to corporations." Nothing was said by the majority on the matter of segregation in education.

Justice Harlan, the lone dissenter in *Plessy v. Ferguson,* was again alone in *Berea College v. Kentucky.* He argued that the Court "should directly meet and decide the broad question presented by the statute. It should adjudge whether the statute, as a whole, is or is not unconstitutional, in that it makes it a crime against the state to maintain or operate a private institution of learning where white and black pupils are received, at the same time, for instruction." Harlan declared himself in favor of voiding the Kentucky statute and asked his brethren: "Have we become so inoculated with prejudice of race that an American Government, professedly based on the principles of freedom, and charged with the protection of all citizens alike, can make distinctions between such citizens in the matter of their voluntary meeting for innocent purposes, simply because of their respective races?" The court majority, including Oliver Wendell Holmes, declined to answer the question.

Evasion was embellished with chicanery in *Gong Lum v. Rice,* in 1927. Again there was no question of the constitutionality of compulsory racial segregation in education. But this time the Court went through the motions of dealing with the unraised, unjusticiable question by conjuring up the "precedents." Martha Lum, a nine-year-old American citizen of Chinese ancestry, had been excluded under Mississippi's segregation law from a school maintained only for children of the "white or Caucasian race." Accepting the legality of segregation, she nevertheless objected to being classified with Negroes. Thus the only issue raised was whether the state was prevented by the equal protection clause of the Fourteenth Amendment from requiring her attendance at the school for colored children.

Holding against Martha, the Supreme Court pretended that the constitutionality of segregation in education had been fully considered and sustained long ago. Chief Justice Taft for the Court alleged: "Were this a new question, it would call for very full argument and consideration, but we think it is the same question which has been many times decided to be within the constitutional power of the state legislature to settle without intervention of the federal courts under the federal Constitution." By way of proof, Taft cited the "precedents": 12 state decisions, three by the lower federal courts, and two by the Supreme Court. But the adjudications by the state and lower federal courts were mere window dressing, for none but its own decisions—assuming that they were to the point—could authoritatively bind the supreme national tribunal. The two decisions of its own which it cited were *Cumming v. County Board of Education,* in which the Court had explicitly declared that it was not deciding the question, and *Plessy v. Ferguson,* the transportation case, in which separate schools for Negroes was the subject of dictum without the force of an adjudication. The Court could cite no real precedents because there were none.

By the time of the Gaines case in 1938 it was a generally accepted constitutional myth that because of a long line of Supreme Court decisions the Plessy doctrine of "separate but equal" applied to educational facilities. The Court invigorated the myth in the Gaines case when it fallaciously declared that "furnishing equal facilities in separate schools" was "a method the validity of which has been sustained by our decisions." *Gong Lum v. Rice* was added to the Plessy and Cumming cases as proof. Yet the constitutionality of segregation was not being contested in the Gaines case. The issue, as in the earlier cases, was of a different species. Gaines had sued to compel the University of Missouri to accept him in its law school, because no equivalent school was furnished by the state for Negroes. The Court defined the issue: ". . . we must regard the question whether the provision for the legal education in other states of Negroes resident in Missouri is sufficient to satisfy the constitutional requirement of equal protection, as the pivot upon which this case turns." The Court held that Missouri's plan to finance the tuition of its Negro citizens in out-of-state institutions was unconstitutional. Nothing else was decided.

The Supreme Court's most recent opinions in Jim Crow education cases have not corrected its historic error of having reasoned from an unwarranted assumption to a foregone conclusion. After 1938 all the pertinent cases have been concerned only with the question whether the segregated facilities are substantially equal. Never in American constitutional history has the Court squarely met and considered the issue of "separate but equal" in education; never has the Court held that segregated schools are constitutional. Of course, the Plessy doctrine could have—and might still be—extended to education, thereby converting an assumption into a holding. However, should the Court explicitly follow this path, it would compound the fallacy and fraud characterizing *Plessy v. Ferguson.*

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LITERATURE AND THE ARTS

RECORD OF A FRIENDSHIP

by Francis Biddle

THIS IS an extraordinary correspondence, not only for the wit and charm and insight of both men, but because in spite of their difference in age, in background, in point of view, the letters record a warm and almost dependent friendship. Holmes, who was then seventy-seven, wrote to his friend, Sir Frederick Pollock from Beverly a few days after the two met: "Did you know Harold Laski, an astonishing young Jew, whom Frankfurter brought over here the other day?" The year was 1916, Laski was "a frail stripling of twenty-three"—to use Justice Frankfurter's phrase in his charming foreword—the great judge's junior by over fifty years. The friendship began at first sight, grew quickly in depth and understanding, expressing itself chiefly in this wonderful talk, caught on paper as it were, although the younger man always came to see his friend when he was in America. And if the American continued, over the nearly twenty years of the relationship, to find the Englishman "astonishing"—"diabolically clever and omniscient," he wrote to Pollock the next year—he disagreed basically with the direction and purpose of the younger man's life, the "upward and onwardness" that he found among these youthful liberals, who were not only agreeable chaps but brought him an atmosphere of intellectual freedom in which he could breathe. That extraordinary mind of Holmes did not, it may be presumed, have too much to feed on in Washington and at Beverly. Of course everyone came to see him, but that was not enough, it was not "the free intellectual intercourse" which Laski had had at Oxford, and so missed when he was teaching at Harvard, "the constant interchange of new ideas" against the "light-hearted ignorance" of Cambridge, or, more precisely, of America. That richness of thought Laski continually brought to his correspondent.

HOLMES-LASKI LETTERS, edited by Mark DeWolfe Howe (Harvard; $12.50).

The letters became a long, highly articulate conversation of two men who had in common an absorbing interest in the life of the mind and of the human spirit. If Laski possessed, as Justice Frankfurter suggests, "eloquence, imagination, memory, dialectic powers, generosity," the other had rare style and wit, an artist's feeling for the *môt juste*, a skepticism of "isms" mixed with a sturdy faith in life, and a salty, cautious, tough New England frame for ultimate references of the more finished and complex attributes of a man of the larger world.

And by style I mean his own conception of the word—not a twist or turn, a phrase or a felicity, but something further below the surface, harder, solider. "You can have a manner," he suggested to young Laski, "without anything to say; but you can have style only when you have a *fond* of substance." Holmes invariably had something to say, even if those who know the quality of his thinking will recognize many of his favorite *"aperçues,"* which he liked to repeat to the new secretaries, as they turned up in Washington all ears and wonder, or when some current "ism," some cordially disliked absolute, irritated him into turning to pull a shaft from his quiver. One thing he liked about the other's talk was that Laski "didn't believe that universal bliss would ensue if the world would only get a move on and obey when the *New Republic* says Hocus—Pocus—Presto—Changeo." He had a secretary who had "socialistic velleities." He told his secretary that "there was no injustice in death or being born a toad rather than an eagle." He did not believe that you could legislate bliss; he had had his belly full of "isms" when he was young.

The shafts hit the inner ring of the thought: "If Congress can weave the cloth it can spin the thread". . . . "A spontaneity taking an irrational pleasure in a moment of rational sequence" . . . Bergson, "churning the void to make cheese" . . . "A man writing in a Catholic atmosphere has to get out more labor than you or I in getting to the surface of the ground" . . . Dicey "could not think like a devil and thus touch the complexities of the exquisite" . . . Pascal's "fierce electric high light" . . . "England with all its beauties and powers is Little Pedlington" . . . "The religion of taste is polytheistic."

Holmes drew on his reading, on his memory. He was not, like his young correspondent, plunged in the midst of activity of all kinds, teaching, writing books and collecting them, busy in politics, dining everywhere, meeting everyone: Churchill, Laski described, feeding on his own vitals, so likable as a man, so unspeakable as a politician (a political career being ruinous of simplicity); his ignorance—he had never heard of Chief Justice Marshall until he read a life of Hamilton, he had read all of Machiavelli and Napoleon, but never a word of Aristotle, Bacon, Hobbes, Descartes, Locke, Rousseau, Hume, Hegel or Kant; but if there was a danger he was in it, if action, at its center—"a grand fighting animal." Asquith, Laski believed, with all his charm and indolence was "incapable of adjusting himself to the demands of a new age"—the breakdown of the Liberal Party was inevitable. Bertrand Russell had "something impish about his mind"; Theodore Roosevelt was not a statesman, but "a first-rate megaphone"; Ramsay MacDonald, "brilliant, jealous, eager for applause, quick, incoherent," with a "vivid certainty that God is on his side." There is a wonderful description of an evening with Austin Chamberlain and Bernard Shaw—"an elephant trying to catch an extremely agile wasp."

He pulls a pretty long bow, this young man, so sure of himself, so wrapped in the brilliance of his egotism and enthu-

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siasms. At a point in the writing of an early book he can report to his friend: "Already the ideas I badly needed for the fertilization of my book have come with all the natural charm I knew they would possess." And the accounts of his reading are like adventures of Baron Munchausen. On January 31 he had spent a week on Hegel—*The Philosophy of Right* and *Phenomenology*. "I honestly thought them the greatest feat of speculative intelligence since the Nicomachean Ethics." Ten days later he recommended to the Justice, Merz's *History of European Thought in the Nineteenth Century*, which (in four volumes) "reads like a great novel"; the *Life of Dilke*, by Gwynne and Tuckwell, which had "more guts in it than any political biography I have ever read"; Gooch's *History and Historians in the Nineteenth Century*, "a fine summary of the *Weltanschaung* of history"; Ferguson's *Hellenistic Athens;* and J. Chailley's *Administrative Problems of British India*, which the young man (just then twenty-five) "read in a perspiration of excitement." No wonder Holmes burst out that he could not swallow books like oysters, didn't have Laski's lightning capacity for gobbling them, and wrote his young friend: "I can't believe that you really read all the books you mention . . . I bet you didn't plod through every word of Declareiul as I am doing . . . I hope you will confess to faking a little." Yet he had written to Pollock, half a dozen years before, perhaps then more freshly under the spell of this engrossing friendship: "But Laski really is learned and reads the books he talks about—and I feel as if I knew nothing when I read him."

Something of the spell was perhaps that talking to this brilliant youngster, who slashed out at everyone and everything, made the older man feel gay—most of it was gay talk—and feel like letting go. He misread one of Laski's quotations (they both wrote every letter in longhand), thinking it went "divinity that *drapes* our ends," and believed Laski had "imparted to him a decency not to be found in Shakespeare." He told "an unknown dame" he met at a reception that "abuses were the parents of the exquisite, which vanished from the country with wine," and that he "loathed most of the things in favor of which I decided."

And the spell lasted also because the younger man, if perhaps he sometimes left the Justice panting a bit to catch up with him, had the glowing gift of affection as well as intellectual stimulus. His letters went to Beverly or to Washington regularly, up until two weeks before Holmes died, even during the last two years or so when the old man was too tired to write. He thought occasionally of death, but didn't worry. . . . If someone was to do a book about him after his death, Frankfurter was the man for the law part, but he couldn't help thinking there might be "another part dealing with the old Yankee. . . . " He was getting Laski's wonderful letters, but could not any longer give them adequate answers, "more than a few hesitating straggling words. I suppose it is old age"—he excused himself, at ninety-one. Laski's last letter announced that he would be in Washington in April, would see his friend. But the Justice died on March 6.

POETIC BLUNDERBUSSING

EUROPA AND THE BULL, by W. R. Rodgers (Farrar, Straus and Young; $3).

BRINGING ONLY my critical faculties to bear on them, I find a good deal to object to in Mr. Rodgers' poems. It seems to me that Mr. Rodgers assaults the reader with an armory of poetic blunderbusses. He is more sensitive to alliteration and onomatopoeia than to words, and more intoxicated by sensations than exact in metaphor and imagery. The concluding lines of the title poem of his volume include most of these defects so I shall draw attention to them and pass on: "And may the nodding moth of myth/ In every mouth take breath and wing now/ And dance these words in honour of that wedding." Moths don't nod, and it's difficult to think of a moth of myth taking breath and wing, and the rhythm is insensitive. Perhaps the main objection, though, to these lines is that they seem more fabricated than natural. It is not so much to stertorian mythic moths drawing-deep breaths that I object as to the fact that the poetry itself doesn't seem to breathe.

All the same, although it is necessary for a reviewer to mention objections of this kind, I do not think he should pass judgments on the basis of such objections. It is surely more his business to communicate his immediate reactions, and to be at least as uncritical as he is critical, if the poetry stimulates him. The reviewer should transmit his general impressions, and if a work excites him, then he should encourage the reader to judge it for himself. Mr. Rodgers' poetry does excite me today, and has done so in fact ever since I first read a poem of his seven years ago. Whether it will do so in ten years time I do not know.

However insensitive his methods, Mr. Rodgers writes the kind of poetry he wants to write, and in a long poem like that from which I have quoted, produces the effect of a big design, like a long-stretched, roughed-in cartoon. The poem moves from beginning to end, and one sees the bull, admired by the nymphs, in these lines:

"Arms curved and craved to stroke
His milky sides, insidiously veined
With watery blues and bloody ivyings.
But how to describe him? Words can only add
To lightning the thunder's redundancy.
He was most god-like and most temperate.

I have, again, scruples, but these lines certainly make one see the bull vividly, and the last has nobility. Add to this, the whole poem is erotic, sensual, and genuinely exciting both as narrative and as a procession of sensations. Mr. Rodgers has also a certain wittiness—not altogether unlike that which gives so much pleasure to the admirers of Christopher Fry's plays—which sparkles from line to line.

Like Christopher Fry, Rodgers, who is on the staff of the BBC, is perhaps writing a new kind of popular poetry for great audiences. In "Resurrection an Easter Sequence," written for broadcasting, he poeticizes the Passion of Christ in a manner which recalls Rilke's *Marienleben:* "In him mountains of loneliness rose/ Snow-high." Each of these pictures is strongly and clearly drawn. The exploitation of Rilke's manner seems far more legitimate than the

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vulgarization of Eliot's "Journey of the Magi":

It was a dark night, cold and snowing.
When the Three Kings started out
On their annual journey: and what on earth
Were they doing—and such a time to be going!
And, honestly, what it was all about
Not one of them knew.

The passages I have quoted show that Mr. Rodgers is an uneven poet, sometimes extremely vivid and visual, sometimes as vulgar as the lines above. Everyone though should read him, because he is a poetic phenomenon. Those like myself who find a good deal to object to cannot afford to ignore such an energetic talent. And those who are not so particular will be stimulated by the energy which manages to retain simplicity while tying a great many verbal knots. There is a great deal of pleasure to be got from this book; and whatever critical judgment may finally say about Mr. Rodgers, he can now, straightaway, be enjoyed.

STEPHEN SPENDER

EXTRAORDINARY NOVELS

REPUTATION FOR A SONG, by Edward Grierson (Knopf; $3.50). WATCH NIGHT, by Walter Lowrey (Scribners; $3.50).

WATCH NIGHT (American) and *Reputation for a Song* (English) are extraordinarily interesting companion pieces, each deeply revelatory of the problems and values of its respective culture. Both are the works of young men—it is Lowrey's first novel and Grierson's second—and both are quite competent: well-ordered, compact, literate, intelligent, and written in a solid vigorous prose, all of which presages if not future greatness at least future goodness for the authors. Both books deal with crime and punishment, achieve dramatic frame and tension by the courtroom trial, and arrive at denouement with the return of the jury to utter the fatal words. Moreover, each novel deals with the miscarriage of justice: in *Watch Night* an innocent Negro is sent to the electric chair; in *Reputation for a Song* a parricide goes free. Neither novel is a satire on the law, nor in any deep sense critical of the law. In fact each leaves one with the same feeling as Cozzens' *The Just and the Unjust*—it is a miracle, given human nature, that any concept of legality can ever be upheld. Both novels leave their protagonist—a middle-aged English barrister and a young American Negro—with permanently blackened reputations and with no Horatio on the scene to set posterity aright. They are denied that great public *apologia* and justification that the Greeks and Elizabethans usually awarded their tragic heroes. Both men, it is true, have friends who "understand," but "name," that priceless and impalpable essence, the sole emblem for immortality that secularism can allow, has been besmirched, and each passes out into the universal night, scorned and derided, injured and insulted. It is the kind of total and terrifying Nemesis with which Hardy used to encompass his characters, but in neither novel, and especially in *Reputation for a Song,* is there much, if any, evidence of that mitigating sense of beauty and grandeur with which Hardy could and did invest any life, no matter how bleak or mean.

But, to pass over to the differences between the two novels, there are degrees of Nemesis, and for complete and total bleakness, for the idea that injustice is the absolute rule of life, *Reputation for a Song* wins the day. And, not to generalize too heavily on one instance, it would appear from what little I have read coming out of England lately—Patrick O'Brien's *Testimonies,* Angus Wilson's *Hemlock and After,* the ill-humored sputtering that so often mars the pages of *Scrutiny*—that the writing populace of England is not bearing up gracefully under the vast burdens of its country, and that a good part of the civilized citizenry is given over to Lifemanship (the Stephen Potter books, it seems, are not merely good-humored fun). From many quarters there appears to be a concerted effort to prove that most human beings are inherently nasty and that life itself is meaningless. And while *Reputation for a Song* is marked by passages of wit and lively satire, yet its very theme is the pointlessness of life. The kind, gentle lawyer is killed by his brutal selfish son, aided and abetted by the mother—an incredible piece of bitchery—and the two combine to vilify the good man in court. Now it is quite true that such dire happenings are often the very stuff of life, but, presented unalloyed as art they are esthetically unsatisfactory and emotionally—a bore.

Withdrawing a poem of his own, Matthew Arnold wrote:

> What are the situations, from the representations of which . . . no poetical enjoyment can be derived? They are those . . . in which a continuous state of mental distress is prolonged, unrelieved by incident, hope or resistance. . . .

And it is precisely the element of resistance in *Watch Night* that lends meaning to the dreadful action. The falsely accused protagonist, even though faced by a white Mississippi jury, could conceivably save himself, at least from death, by testifying in his own defense. However, out of a complex of motives, but essentially out of a desire to assert his own will and thus his own individuality, he refuses and goes to meet his death. Thus while there is in *Watch Night* none of the deft wit of *Reputation for a Song*—Lowrey's intelligence runs to a kind of sombre brooding—yet the American novel is somewhat less "painful."

Lowrey was born in Mississippi and the influence of his great fellow-Mississippian, Faulkner, is manifest—in the long rolling, convoluted prose, in the intricate time-shift, and in the lengthy interior monologues. There are even similar character types: the shrewd Southern lawyer who wishes justice to be done but who wants no Northern liberals on the scene, and, above all, the surrounded and condemned Negro who stands up to fate because of an inherent nobility and achieves, thereby, dignity. "They endure," in Faulkner's words. This idea is somewhat, but not wholly, damaged in *Watch Night* by some rather specious talk about "natural aristocrats"—when the protagonist is attending a New England University—with its attendant Harvard-Yale-Princeton snobbery and its deathless devotion to the wearing of the right kind of tie.

Reputation for a Song and *Watch Night* are obviously the products of deeply troubled cultures, or, rather, cultures undergoing comprehensive and agonizing transitions, but the age dif-

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ferential between the two is remarkable. The English novel sounds like the expression of a tired old man, who has no illusions left and thinks of existence as brittle, acrid, neutral. The American sounds like the utterance of a sensitive adolescent, full of deep urgings and heavy anxieties, of simultaneous visions of grandeur and of terror, of the shadowy intuition that life is part dream and part brute existence. If, as T. S. Eliot has said, the human condition is a compound of boredom, horror, and glory, then *Reputation for a Song* has captured the boredom, while *Watch Night* is the horror and the glory incarnate.

JOHN HENRY RALEIGH

THE WEST IN THE EAST

FIVE GENTLEMEN OF JAPAN, by Frank Gibney (Farrar, Straus & Young; $4).

IT MIGHT BE a difficult task to find five thoroughly representative Americans, and, by describing their thoughts, experiences, and antecedents, tell the story of this great country from the early settlers through Eisenhower. But with Japan, the problem is more feasible, as Mr. Gibney has capably demonstrated. The reason for this, more than anything else, is the fact that, unlike America's multiple culture and diverse racial composition the Japanese are a monolithic state. Foreign cultures and religions have been studied in Japan. But instead of reshaping the national ethos, they have been assimilated and reshaped to Japan's own design and polity. It is true, as Mr. Gibney points out, that Japan today is being tossed about by new foreign ideas and new national and international strains and stresses. But the "web" of strict social behavior has remained essentially intact. And even today, one can see how the new conceptions of democratic reform are being remolded to fit the old patterns of thought and tradition.

Mr. Gibney has picked five good types —a farmer, a factory worker, a metropolitan newspaper reporter, a retired Admiral, and the Emperor. All, with the exception of His Imperial Highness, are truly representative of a class, and there are no other significant social groupings in Japan today. Each has a distinctive link with Japan's past; each has his own particular vested interest in the future. But their general lines of thought and opinion converge on major issues. They were skeptical about tackling the United States in a world war, they displayed natural pride in the initial victories, and, when the crash came, they all felt they had been let down by over-zealous military leaders.

They are unanimous in their approval of many of the outward accoutrements of democracy; they hedge over the advisability of some of its more specific institutions such as equality for women, co-educational schools, and an anti-war constitution. They are as one in the conviction that they want no more of war. And they are generally pro-American and anti-Soviet. It might be argued that Mr. Gibney is stretching the point by including the Emperor in his cumulative representation. Many would question for instance, whether the Emperor was as personally conversant with events and experienced the same emotions and reactions as Sanada, the paddy-worker, or Kisei, the steel furnace foreman. But Hirohito certainly is still the spiritual apex of Japanese society, and as such could be classed as a reflective representative, if not one of the generating forces. One might also question somewhat the author's theory that Japan may be destined to draw upon its cultural knowledge of both East and West to play the role of mediator in the cold war. For it would seem that Japan, already emerging as the arsenal and main base for Asia's war against Communism, is rather tightly committed to one of the two sides.

The author is certainly on safe ground, however, when he says that Japan today has tremendous recuperative powers. It might be too much to imply that the five gentlemen will themselves shape Japan's destiny; democracy has not yet progressed that far. But led by rulers who themselves conform to the national polity and who operate within the same general social web, the five men and the other 80 million Japanese subjects could and probably will exercise once again decisive influence in Asiatic and world affairs.

Basically, therefore, Mr. Gibney's story is sound, absorbing and expertly

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handled. As a naval officer interrogating prisoners of war, the author gained his first experience with the Japanese. Then as a correspondent in Tokyo for one of the larger magazines, he amassed a considerable amount of first hand information despite the artificiality of life under the occupation and the distraction of having to cover also the war in Korea. Mr. Gibney's finished product may not quite fall into the class of some of the weightier works of the accepted Japan scholars, but it has certainly earned for him a place inside the very small circle of those who are known as the most competent interpreters of Japan's complex form.

GORDON WALKER

THE ATOM PRIMER

THE NEW FORCE, by Ralph E. Lapp (Harper; $3).

TO SAY that Dr. Lapp has written a primer on atomic energy—the history, the science, the politics and the problem—would be accurate in a sense, but it would also be misleading. He has indeed written a primer, and one of the best: lucid, easy-reading, remarkably inclusive on every aspect of the wonderful and terrible new force that is barely ten years old. But Lapp has done much more than that. He has challenged, with cogency and with justifiable anger, the large accumulation of complacency, misinformation, ignorance and dangerous habits of thought and action—or non-action—that have encrusted the subject.

For those who need a simple refresher on the basic science involved in atomic energy, on the history of its development, the attempts at internal control and the military potentialities, *The New Force* provides a satisfying review.

But Lapp's book is most valuable when it moves on to the area of ignorance and misconceptions about atomic energy and atomic weapons. It makes a devastating argument to debunk the false but comfortable notion that the development of the hydrogen bomb helps America more than Russia. It demonstrates how futile and inept and indifferent has been our approach to civil defense. It exposes the obtuseness and bombast which marked the atomic activities of the armed services, and the Air Force in particular.

Lapp performs what is perhaps the most useful service of all in his discussion of the official secrecy that has surrounded the whole domain of atomic development. It has injured us, he insists, infinitely more than it has inhibited our enemies. The secret policy has been conducted with perverse and illogical obstinacy, he says. It "has had a paralyzing effect in the development of atomic power," it has greatly impeded weapons progress, held down scientific advancement, given Americans a false sense of security and—as far as can be seen—it has bothered the Russians very little indeed. Says Lapp:

> Secrecy has become a contagion that has spread throughout officialdom. Agencies have been quick to succumb to this disease which induces a pleasant euphoria and acts as a solid shield to prevent outside criticism. Officials smugly entrenched behind a wall of secrecy do not need to worry about debating the wisdom of their policies.

Throughout the book there is a quiet but strong undercurrent of criticism of the Atomic Energy Commission itself, and this, indeed, may be the most important point Lapp has to make. It boils down to the fact that throughout most of its life the commission has acted—or too often failed to act—in mortal fear of Congress. It has set the tone of timidity in decisions on secrecy and security; it has been willing to spend billions on bigger production facilities but has been reluctant to hazard millions on new methods and on experimentation where there was substantial risk of success.

It is a small wonder, of course, that the commission has in fact acted like a man afraid of his own shadow. No agency has been so terrorized, beaten up and roared at by the backward-looking elements in Congress. The atomic energy law itself was a red flag to the status quo boys. Then came the bullying by McKellar, the hysterical search for the "lost" uranium compounds, the "incredible mismanagement" charges of Hickenlooper. For every atom there was a bogey man.

J. Robert Oppenheimer is fond of saying that "no good cause is ever really lost." But looking at what has happened to the AEC under the relentless grinding of an unreconciled Congress, one may conclude that it is equally true that no bad cause is ever really lost, either.

ALFRED FRIENDLY

IN BOTH CAMPS

THE AMERICAN TEMPER, by Richard D. Mosier (California; $5).

SINCE THE PIONEERING of Woodbridge Riley and Parrington, American intellectual history has been explored in numerous special studies, among which Miller's *The New England Mind* and Matthiessen's *American Renaissance* are the obvious monuments. Schneider's *A History of American Philosophy* is so far the best survey, primarily for the scholar. Our spiritual biography, it is agreed, has four main phases, roughly one for each of the centuries of our cultural existence. They are called here "The Puritan Mind," "The American Enlightenment," "The Romantic Mind," and "The Modern Temper." Though each has its own peculiar unity of coherences and contradictions, an undulatory continuity relates them. There is still need for an inclusive description of them, concentrating on concepts, unencumbered by factual data, and lucid and alive in style—in short, a John Herman Randall *tour de force* on the making of the American mind.

The American Temper falls somewhat short of this, between the scholar's and the layman's stools. The scholar will find that it competently sums up and integrates the insights of many special studies, pruning their excrescences, simplifying without falsifying their complexities, and deftly manipulating their labels. He will be pleased by the sense that the writer has always gone back to the original sources and has tried to maintain a truly Lovejovian judiciality. Yet he will meet little that is actually new to him as analysis or synthesis. The layman, of course, will find much that is new and challenging if he can keep reading. But that will be hard because of the laborious, methodical, academic, abstract quality of the prose.

JOE LEE DAVIS

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AN ENGLISH BORIS

MUSSORGSKY'S *Boris Godunov* is like those Cézanne paintings in which you can still see patches of unpainted canvas, or like some great Hopkins fragment, in which the intention of the artist is almost as important as his actual accomplishment. That *Boris* is not a finished work is attested both by the variant versions which Mussorgsky left and by the revisions which other people have made since the composer put it aside in 1872. It is uneven in style, technique and dramatic content. But dealing as it does with a free symphonic development of themes instead of the more conventional set pieces, the opera, in individual scenes, represents a tremendous accomplishment in musical form. Harmonically, the work is a precursor of those modern styles in which consonance and dissonance are used purely for their color value, like paint squeezed from a tube; rhythmically, too, it anticipates the freedom that had to wait for Stravinsky and Bartok to find an extensive development, although its patterns are drawn from folk sources.

For these reasons, a performance of *Boris* is an important musical event. The Metropolitan has just revived the work, in a new version, this time a rather modest one by Karol Rathaus which closely follows Mussorgsky's last draft. For no special reason, the work has usually been done here in Italian; the new production uses an English translation by John Gutman, and it is as pedestrian as any translation you would care to read. At the Met, most of it was inaudible anyway. Out of a cast of twenty, not more than five had clear diction; I had to buy a libretto in order to find out exactly what was being sung, and found that I had been missing lines like: "In a pond quite near/Lives a gander here/Oh—you my gander dear!" At best the translation was a nice gesture.

The role of Boris was sung by George London; his singing was so flawless, his diction so perfect, and his acting so completely grand that he set a standard outside and above anything I know. He was well supported in every way by Mildred Miller, Brian Sullivan, Andrew McKinley and Jerome Hines, who are a credit to their company, as is the excellent chorus. They and they alone made a performance moving which would otherwise have been intolerable. The rough, off-pitch singing of Mmes. Thebom and Lipton and the clownings of Salvatore Baccoloni were almost enough to start a stampede into the rainy night. Baccaloni seems to feel that being a *Basso Buffo* gives him license to go into a vaudeville sequence whenever he feels like it, and that singing a quarter-tone flat is uproariously funny. He is a Leporello Leporellorum of the old school, and the fact that he still carries on in that way can, I suppose, be charged to Dino Yannoupolos, who staged this production. Yannoupolos, too, is old school. He gets his effects largely by setting up a terrific traffic of supernumeraries on and off the already cluttered stage. He is also fond of the wildly flailing right arm, an awesome sight when used in unison by a chorus of 80.

Fritz Stiedry, who conducted, showed a preference for leisurely tempi which would have been appropriate to work of Mahler but tended to rob *Boris* of its vitality. Much of the music of *Boris* is really slow, and to give the work any shape, the fast sections need to be fairly bright.

I hate to seem so captious about all this, but I don't think I can avoid commenting on Dobujinsky's decors, which seemed to add to the confusion, of which there was a little too much. As a production, this work should be revived again, but with a consistently good cast, new staging and new decor. With a man like London as Boris, it could be magnificent.

As it is, this is the only production available in these parts, and it should be seen. Undoubtedly there will be changes in the cast, perhaps for the good. The right tempi will be found, the orchestra will sound better, the action may become more relaxed. Even if this does not happen, the pleasure of hearing a really great bass in this role is one that musicians have been denied for a long time. The waiting is over, because George London is Boris incarnate. I do hope that those aspects of this production which suggest failure will not discourage the management from keeping the work around.

ROBERT EVETT

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